IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23716 of 2007(W)

OS.99/2002 of II ADDL.SUB COURT,TRIVANDRUM

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PETITIONER:

SANJAY SURENDRANATH, DIRECTOR,
IT DELIVERY FOR GATE GLOBAL SOLUTIONS,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
P.K.SURENDRANATHAN ASARI, RESIDING AT SURASINDHU,
T.C.31/2196, KURUPS LANE, SASTHAMANGALAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.T.K.ANANDA PADMANABHAN

RESPONDENTS:

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1. P.K.JAYACHANDRA BABU,(DIED)
MANI MAHAL, KATTAIKODU, KATTAKADA.

2. R.T.SAHITHI DEVI, PROPRIETRIX,
AMMAL AGENCIES, KATTAKKADA, RESIDING AT
VILAYILVEEDU, MANCHADIMOODU, PEROORKADA,
THIRUVANANTHAPURAM.

3. ARJUN(MINOR) REPRESENTED BY MOTHER,
R.T.SAHITHI DEVI, -DO-

4. ANOOJ(MINOR), REPRESENTED BY MOTHER,
R.T.SAHITHI DEVI, -DO-

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.23716 OF 2007 W

Dated this the 3rd August, 2007.

JUDGMENT

The writ petition is filed to direct the II Additional Sub Judge, Thiruvananthapuram to consider the question of stamp duty and penalty with respect to an agreement which is produced and marked here as Ext.P1. The grievance of the writ petitioner is to the effect that the office noted some objections and without giving any opportunity to the writ petitioner the court has passed the orders imposing stamp duty and penalty. The question to be considered is what is the real nomenclature of the document and whether stamp duty and penalty is liable to be imposed. When such is the situation an opportunity has to be given to the party who has produced the document to submit his argument and then the matter be considered and disposed of in accordance with law. Therefore the order passed imposing stamp duty and penalty without hearing the counsel for the petitioner is set aside and the learned Subordinate Judge, Thiruvananthapuram is directed to hear the counsel for the party and dispose of the matter in accordance with law. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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